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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/849,254	05/07/2001	Eizo Kato	18920.0018	8562
23517	7590	10/04/2004	EXAMINER	
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP			MENDOZA, ROBERT J	
3000 K STREET, NW			ART UNIT	PAPER NUMBER
BOX IP			3713	
WASHINGTON, DC 20007			DATE MAILED: 10/04/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/849,254	Applicant(s) KATO, EIZO	
	Examiner Robert J Mendoza	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen

(USPN 6,074,299)

Regarding claims 1, 6 and 30, Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67 and col. 4:1-67, discloses a game device comprising communication means for sending information that is to be needed for a process of game from a player's side to a station's side through a communication line, wherein said information includes a specific key word associated with a specific item found by a player at the player's side, wherein the player's side can develop the game advantageously based on the number of the specific key words sent by the player's side. Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67 and col. 4:1-67, discloses storing means for storing the information in a storage section on the stations side. Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67, col. 4:1-67, col. 5:1-56 and col. 6:34-67, discloses analysis means for analyzing the information so sent to the stations side and input to the analysis means by a supporter on the station's side, wherein the result of the analysis is based on the input of the information to the analysis means, and sending means for send the results of the analysis. Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67, col. 4:1-67, col. 5:1-56, col. 6:34-67 and col. 7:1-48, discloses a portable

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information terminal, a personal computer, means for giving the player a quiz and means for providing an answer to the quiz. Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67, col. 4:1-67, col. 5:1-56, col. 6:34-67 and col. 7:1-48, discloses means for determining whether the answer is correct, means for indicating information about coordinates for directing the player to a destination and means for sending the information about the coordinates to the player.

Regarding claims 2-5 and 6-29, Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67, col. 4:1-67, col. 5:1-56 and col. 6:34-67, discloses the results include coordinates for directing players' side to a destination and the game can be developed through information interchange. Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67, col. 4:1-67, col. 5:1-56 and col. 6:34-67, discloses a hint as to the process of a game from the station's side to the players' side. Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67, col. 4:1-67, col. 5:1-56, col. 6:34-67 and col. 7:1-48, discloses that a players' side must send a parameter to a station's side within a predetermined time. Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67, col. 4:1-67, col. 5:1-56, col. 6:34-67 and col. 7:1-48, discloses a parameter so sent that is to needed for the process of a game changes in accordance with time. Cohen, in FIGS. 1-6, col. 2:33-59, col. 3:10-67, col. 4:1-67, col. 5:1-56, col. 6:34-67 and col. 7:1-48, discloses the player's side consists of a plurality of players.

Response to Arguments

Applicant's arguments with respect to claim 11-29 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, John Hotaling, can be reached at (703) 305-0780. The USPTO official fax number is (703) 872-9306.

RM

RM
September 28, 2004


JOHN M. HOTALING, II
PRIMARY EXAMINER